

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**SERVICE EMPLOYEES INTERNATIONAL UNION,
UNITED SERVICE WORKERS WEST,
SECURITY DIVISION (PROFESSIONAL TECHNICAL
SECURITY SERVICES, INC.)**

and

Case 20-CB-271148

DANIEL OZABUKI

DECISION AND ORDER

Statement of the Case ¹

On March 11, 2021, Service Employees International Union, United Service Workers West, Security Division (the Respondent), Daniel Ozabuki (the Charging Party), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Employer's business

(a) At all material times, Professional Technical Security Services, Inc., (the Employer) has been a Delaware corporation with a facility and place of business located at 111 Sutter Street, Suite 550, in San Francisco, California (the San Francisco facility), and has been engaged in the business of providing security services in commercial buildings.

1. The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

(b) In conducting its business operations described above in subparagraph 1(a), during the calendar year ending December 31, 2020, the Employer derived gross revenues in excess of \$500,000.

(c) During the period of time described above in subparagraph 1(b), the Employer purchased and received from its San Francisco facility products, goods, and materials valued in excess of \$5,000 directly from points outside the State of California.

(d) At all material times, the Employer has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the National Labor Relations Act (the Act), and has been a health care institution within the meaning of Section 2(14) of the Act.

2. The labor organization involved

At all material times, the Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, Service Employees International Union, United Service Workers West, Security Division, its officers, agents, and representatives shall

1. Cease and desist from

(a) Restraining or coercing employees in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act, as amended, by seeking from employees, as a condition of their continued employment, dues and fees for nonrepresentational activities after the employees have selected nonmember status and have notified the Union of their objections under *Communications Workers v. Beck*, 487 U.S. 735 (1988).

(b) In any like or related manner restraining or coercing employees in their exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Post at its facility located at 1650 Harbor Bay Parkway, Suite 200, in Alameda, California (the Alameda facility), copies of the attached Notice marked "Appendix A." Copies of the Notice, on forms provided by Region 20, after being signed by the Respondent's authorized representative, shall be posted for a period of sixty (60) days in conspicuous places, including in all places where the Respondent normally posts notices to its employees and members. In addition to physical posting of paper notices, the Respondent shall distribute notices by email to all employees it represents employed by the Employer in San Francisco

County and for whom it has email addresses. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material.

(b) Sign and mail sufficient copies of the Notice to the Regional Director for posting by the Employer, Professional Technical Security Services, Inc., if the latter is willing, at all places where notices to its employees are customarily posted.

(c) If the Respondent's Alameda facility is currently open for business, the Respondent will take the actions described in subparagraphs 2(a) and 2(b) of this section within 14 days of service of the Notice by the Region. If the Respondent's Alameda facility is currently closed due to the Coronavirus pandemic, the Respondent will take the actions described in subparagraphs 2(a) and 2(b) of this section when its Alameda facility reopens. Additionally, if the Respondent's place of business is currently closed due to the Coronavirus pandemic, the Respondent will mail the Notice to employees and members when the Alameda facility reopens. Those Notices will be signed by a responsible official of the Respondent and show the date of mailing. The Respondent will provide the Regional Director written confirmation of the date of mailing and a list of names and addresses of members to whom the Notices were mailed.

(d) Within twenty-one (21) days of the issuance of the Board's Order, file with the Regional Director of Region 20 of the Board, a sworn affidavit from a responsible official describing with specificity the manner in which the Respondent has complied with the terms of the Board's Order, including the locations of the posted documents. Additionally, if the Respondent's Alameda facility is currently closed due to the Coronavirus pandemic, within 21 days of reopening, the Respondent will file with the Regional Director of Region 20 of the Board, a sworn affidavit from a responsible official describing with specificity the manner in which the Respondent has complied with the terms of the Board's Order, including the locations of the posted documents.

Dated, Washington, D.C., April 15, 2021.

_____ Marvin E. Kaplan	Member
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_____ William J. Emanuel	Member
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_____ John F. Ring	Member
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(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT restrain or coerce you in the exercise of the above rights.

WE WILL NOT seek from employees as a condition of their continued employment, dues and fees for nonrepresentational activities after the employees have selected nonmember status and have notified the Union of their objections under *Communications Workers v. Beck*, 487 U.S. 735 (1988).

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

WE HAVE reduced the dues and fees of existing objecting nonmember Daniel Ozabuki so he is charged only for the Union's representational activities and **WE HAVE** reimbursed him with interest for the dues and fees we exacted from him for nonrepresentational activities.

**SERVICE EMPLOYEES INTERNATIONAL UNION,
UNITED SERVICE WORKERS WEST, SECURITY
DIVISION**

The Board's decision can be found at www.nlrb.gov/case/20-CB-271148 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

